



NATIONAL FOUNDATION
FOR JUDICIAL EXCELLENCE

Annual Report

2020



OUR MISSION

To address important legal policy issues affecting the law and civil justice system by providing meaningful support and education to the judiciary, by publishing scholarly works and by engaging in other efforts to continually enhance and ensure judicial excellence and fairness for all engaged in the judicial process.



MESSAGE FROM THE PRESIDENT

Laura Proctor

Dear friends,

On behalf of the board of directors of the National Foundation for Judicial Excellence (NFJE), I am pleased to present this annual report with the results of NFJE's 2020 operations.

Despite the unprecedented challenges brought on by COVID-19 and the uncertainties that came with them, NFJE remained dedicated to one mission: to provide high-quality judicial education to our nation's state appellate jurists.

In July, we were pleased that our plans to return to in-person programming came to fruition. Quality programming is important, but there is no substitute for the personal interactions among the judges that have become a hallmark of our yearly symposium. This year, more than 70 judges from all over the country made their way to Chicago to participate. The program, "Lessons Learned, Challenges Ahead: Emphasizing the Importance of the Judiciary in the New Normal," was a huge success. The topics not only focused on the substantive issues facing the judges but also continued the theme from last year on racial equality in the judiciary. Diversity and inclusion topics became an important part of our programming several years ago, and we continued that conversation this year. Its importance was amply expressed by one of our first-time attendees: "I was particularly motivated to attend this program (my first time) because of the keynote speaker and the panel on ensuring racial equality. These are extremely important to the administration of justice at the state court level."

The 2021 symposium represented NFJE's 17th symposium since its founding in 2004. Today, as then, NFJE remains dedicated to supporting an independent, well-informed judiciary in order to preserve excellence and fairness in the civil justice system. We have been busy during those 17 years, and our success can be measured by how the comments from the judges we serve line up with our original mission:

- "As always NFJE is leading the discussion on subjects being confronted by the judiciary."
- "The subject matter is timely for what the judiciary is dealing with."
- "I always enjoy the cutting-edge topics, which are not offered by other providers."
- "The topics presented were very timely and helpful in my work on the bench. We don't have access to such programming in our state."

These comments, taken from this year's attendees, prove that NFJE has become the premier provider of judicial education as our founders envisioned. It is the gold standard and is one of the most important accomplishments the defense bar has made for the civil justice system. We are deeply grateful to our donors for their support in making this happen. But we are just getting started. The officers, board of directors, members and staff — both past and present — remain committed to fulfilling this mission and, with your help, building the financial platform that will enable our continued success.

It has been a privilege and an honor serving as president of this great organization. I thank you for the opportunity, and I look forward to continuing to work with all of you as we strive to continue the success of NFJE.

HISTORY OF THE ORGANIZATION

Established in 2004, the NFJE is a 501(c)(3) charitable organization based in Chicago, dedicated to supporting an independent, well-informed judiciary in order to preserve excellence and fairness in the civil justice system. For each of the past seventeen years, the NFJE has successfully produced a first-rate annual symposium attracting hundreds of state appellate judges. The symposia have featured an array of nationally distinguished legal experts and scholars discussing the contemporary and complex legal issues relevant today in courtrooms across the country. The end result is the top-quality, tuition-free series of educational programs provided by the NFJE, which assist our nation's appellate judges to perform at their highest levels.

- NFJE provides tuition-free judicial education programs.
- NFJE focuses specifically on education for the state appellate judiciary.
- NFJE is a recognized leader in the legal and judicial communities as a reliable source for providing balanced information in its programs.

NFJE is the only organization of its kind led by the Defense Bar.





MESSAGE FROM THE VICE PRESIDENT

Thomas E Ganucheau

Since 2004, the National Foundation of Judicial Excellence has met its mission of addressing important legal policy issues affecting the law and the civil justice system through our Annual Judicial Symposium and timely Newsletters. Following the success of our on-line Judicial Symposium necessitated by Covid-19, we will continue to meet our mission with the addition of soon-to-be-offered on-line programming.

Of course, the crown jewel of NFJE programming is the Annual Judicial Symposium. Every state intermediate appellate and supreme court justice from across the country is invited to attend free of charge. The annual program is developed not only from the hottest issues of the day, but also through NFJE-solicited feedback from attendees at the symposium and through other means, and which results in programming tailored to the needs of our appellate judges and on matters of latest importance. The Programming Committee works hundreds of hours each year identifying timely and necessary topics, planning the programming, and seeking out the best speakers on the topics to be presented so as to provide the best and most engaging program for our judges.

Important legal policy issues, and the substantive law affected, have varied over the years, and the NFJE has met those issues and provided timely and scholarly programming to assure that our appellate judges are prepared to meet those issues when they arrive in their courts. Such substantive programming has included *Scrutinizing Scientific Evidence*, *Personal Jurisdiction in the Twenty-First Century*, *Issues with Extraterritorial Application of State Consumer Protection Statutes*, *Making Sense of Federal Preemption*, and *Due Process and Aggregate Litigation*.

But the NFJE does not just address substantive law issues impacting civil litigants and our civil justice system. The NFJE also addresses non-substantive law issues affecting our civil justice system and which are presented to assist our appellate court judges in meeting the challenges of the day. Such issues have included *Diversifying the Appellate Bar*, *Automation in the Legal Practice and Our Courts*, *Social Science and the Law*, *Dispassionate Decision Making*, *Writing Opinions with an Eye to the Public and the Press*, and *Public Policy in Judicial Decision Making*.

Although the NFJE was originally created by DRI and members of the civil defense bar, the NFJE presents balanced and fair programming, calling on well-respected speakers, including practitioners and academics, to provide timely and impartial presentations on the issues facing the judiciary.

Funding for the NFJE's mission comes from foundations, attorneys, law firms, corporations, other individuals, as well as national and local defense bar organizations. Fundraising is always challenging, and we continually call on our supporters, and seek new supporters, to fund the NFJE's mission so that we can continue to provide cost-free, timely and important programming to our appellate judges. For those who have supported our mission, we say thank you. For those who have not yet found a way to show your support, we ask that you consider making a tax-deductible donation to ensure our continued success.

PROGRAM OVERVIEW: SYMPOSIUM

Sixteenth Annual Judicial Symposium
Presented virtually on July 16, August 20, September 17, and October
15th at 3:00 p.m. Eastern, 2:00 p.m. Central, and 12:00 p.m. Pacific

Law in the New Age – How Automation and Artificial Intelligence Will Change Judging in Substance and Procedure

Nearly twenty years into the new millennium, an advocate walking into an appellate courtroom might see little evident change from a century earlier. A closer look, however, reveals that some judges no longer have stacks of briefs before them on the bench. They have little screens that provide instant access to the briefs and the record. The briefs and records themselves have been filed electronically; boxes of pleadings and transcripts no longer clutter the clerk's office. Outside of the courthouse, the advocate can check the progress of the case online, instead of annoying the clerk with endless phone calls. The nature of the cases has changed, too—judges face new, challenging questions that they could not have fathomed a century ago.

More changes are coming, to the courts and the world at large, in the years ahead. Our keynote speaker, Joseph Raczynski, will discuss emerging technologies and the rise of artificial intelligence. Not only will new technologies affect the way the courts do their own business, but those technologies will change the way litigants do business, and courts will have to shape the law to meet the new realities.

Program Highlights

■ *July 16, 2020 - Session 1*

- Keynote: How New Technologies Will Appear on Appellate Dockets

■ *August 20, 2020 - Session 2*

- Judicial Decision-making: Law by Analogy vs. First Principles
- Insurance Meets Automation—How Carriers Implement Fair Claims Practices in a Hands Off World
- Diversifying Your Clerks: The Way to a More Diverse Appellate Bar

■ *September 17, 2020 - Session 3*

- Automation in the Legal Practice
- Changes in the Essence of Duty—Where Does Obligation Begin in the Age of Automation?

■ *October 15, 2020 - Session 4*

- The Nuts and Bolts of Cybersecurity
- Judging Efforts to Protect Personal Information—What Test Should Apply?





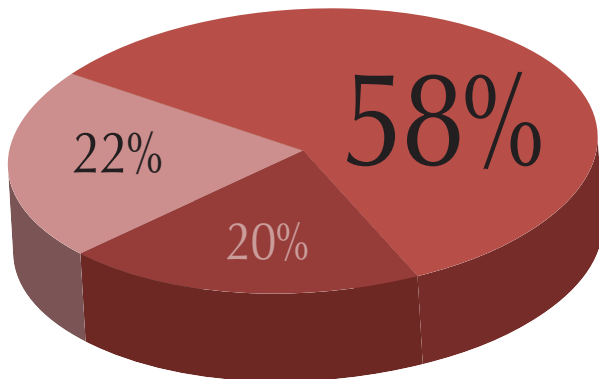
- *“I thought it was great and I liked the small groups after the program.”*
- *“Everything went well from start to finish.”*
- *“A really good program.”*
- *“Very well done. I am very glad I signed up for this presentation.”*
- *“The speaker was great and the subject was informative.”*
- *“I thought it was excellent.”*
- *“The presentation concerning the future impact on digital technology on the law and life in general was a great topic and very thought provoking. We all need to think about what is coming (more sooner than later).”*

FINANCIAL OVERVIEW

In 2020, the NFJE raised almost \$382,000 with the generous support of individual attorneys, law firms, corporations, State and Local Defense Organizations, professional organizations, DRI dues renewal check off and foundations. The John R. Kouris Endowment Fund was created in the spring of 2008. This fund directly supports keynote speaker honorarium for each annual symposium.

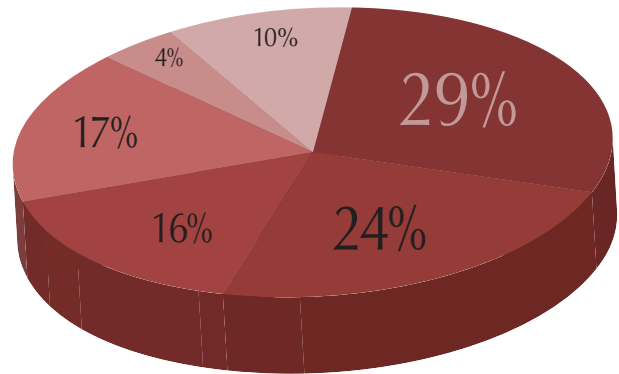
Expenses for 2020 accurately reflect the NFJE mission—education of the judiciary. The annual symposium remains the largest expense for the NFJE at Fifty-eight (58%) percent. Management and General Expenses reflect the operating costs. Fundraising expenses reflect the printing of materials, professional fees and travel costs related to fundraising.

2020 Expenses



Program Services: 58%
Fundraising: 22%
Management & General: 20%

2020 Revenue



DRI Dues Renewal Checkoff: 29%
Individuals: 24%
State and Local Defense Organizations: 16%
Corporations: 17%
Law Firms: 4%
Professional Organizations: 10%



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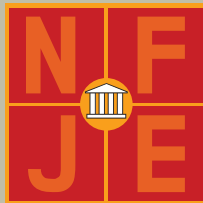
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